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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA  
SACRAMENTO DIVISION

AMBER DALE HAYES,

Case No. 2:24-cv-00123-AC

Plaintiff,

STIPULATION AND [PROPOSED]  
ORDER FOR THE AWARD OF  
ATTORNEY FEES UNDER THE EQUAL  
ACCESS TO JUSTICE ACT (EAJA)  
28 U.S.C. § 2412(d)

v.

MARTIN J. O'MALLEY,  
Commissioner of Social Security,

Defendant.

1 TO THE HONORABLE ALLISON CLAIRE, MAGISTRATE JUDGE OF THE  
2 UNITED STATES DISTRICT COURT:

3 The Parties through their undersigned counsel, subject to the Court's approval,  
4 stipulate that Plaintiff be awarded attorney fees in the amount of ONE THOUSAND,  
5 THREE HUNDRED THIRTY-SEVEN DOLLARS and 21/100 (\$1,337.21) under the  
6 Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d). This amount represents  
7 compensation for all legal services rendered on behalf of Plaintiff by counsel in  
8 connection with this civil action, in accordance with 28 U.S.C. § 2412(d). Plaintiff attests  
9 her net worth has not exceeded, \$2,000,000.00, at the time of the filing of this civil action  
10 nor at the present.

11 After the Court issues an order for EAJA fees to Plaintiff, the government will  
12 consider the matter of Plaintiff's assignment of EAJA fees to counsel. Pursuant to *Astrue*  
13 v. *Ratliff*, 560 U.S. 586, 598, 130 S.Ct. 2521, 177 L.Ed.2d 91 (2010), the ability to honor  
14 the assignment will depend on whether the fees are subject to any offset allowed under  
15 the United States Department of the Treasury's Offset Program. After the order for EAJA  
16 fees is entered, the government will determine whether they are subject to any offset.

17 Fees shall be made payable to Plaintiff, but if the Department of the Treasury  
18 determines that Plaintiff does not owe a federal debt, then the government shall cause the  
19 payment of fees, expenses and costs to be made directly to counsel, pursuant to the  
20 assignment executed by Plaintiff. Any payments made shall be delivered to Plaintiff's  
21 counsel, Sherianne Laba, at 521 Cedar Way, Suite 200, Oakmont, Pennsylvania 15139.

22 This stipulation constitutes a compromise settlement of Plaintiff's request for  
23 EAJA fees, and does not constitute an admission of liability on the part of Defendant  
24 under the EAJA. Payment of ONE THOUSAND, THREE HUNDRED THIRTY-  
25 SEVEN DOLLARS and 21/100 (\$1,337.21) in EAJA attorney fees. These payments shall  
26 constitute a complete release from, and bar to, any and all claims that Plaintiff and  
27

1 Plaintiff's attorney, Sherianne Laba, may have relating to EAJA attorney fees in  
2 connection with this action.

3 This award is without prejudice to the rights of Plaintiff's attorney to seek Social  
4 Security Act attorney fees under 42 U.S.C. § 406(b), subject to the savings clause  
5 provisions of the EAJA.

6 Respectfully submitted,  
7

8 Dated: June 14, 2024

/s/ Sherianne Laba

9 SHERIANNE LABA, ESQUIRE  
10 Attorney for Plaintiff, Amber Dale Hayes

11 Dated: June 14, 2024

12 PHILLIP A. TALBERT  
13 Acting United States Attorney  
14 MATTHEW W. PILE  
Associate General Counsel  
Social Security Administration

15 By: /s/ Erin Highland\*

16 ERIN HIGHLAND, ESQUIRE  
17 Special Assistant U.S. Attorney  
18 Attorneys for Defendant  
19 (\*Permission to use electronic signature  
20 obtained via email on June 6, 2024).  
21

22 IT IS SO ORDERED:  
23

24 DATE: June 14, 2024

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26 ALLISON CLAIRE  
27 UNITED STATES MAGISTRATE JUDGE  
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